

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTHONY AVERITT,

Plaintiff,

v.

CITY OF TACOMA,

Defendant.

CASE NO. C10-5249BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 9). The Court having considered the Report and Recommendation and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The Report and Recommendation is **ADOPTED**;
- (2) This action is **DISMISSED without prejudice** due to Plaintiff's failure to prosecute, failure to respond to court orders, and failure to perfect service, as required by the Federal Rules of Civil Procedure.

DATED this 3rd day of December, 2010.



BENJAMIN H. SETTLE  
United States District Judge